

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,

Plaintiff,

v.

MOSHE ADMON, *et al.*,

Defendants.

Case No. C23-1392 JNW

ORDER TO SHOW CAUSE

Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled action. (Dkt. # 1.) In the IFP application, Plaintiff indicates he is not employed and has received no money from any source for the past twelve months. (*Id.* at 1.) However, Plaintiff lists monthly expenses totaling \$1,005 and states he has \$2,168 in cash and \$185.07 in checking and savings accounts. (*Id.* at 2.) Plaintiff also states he owns a vehicle worth \$25,000. (*Id.*) Asked to provide any other information explaining why he cannot pay court fees and costs, Plaintiff states he is “living under threat of immediate unlawful arrest, effectively imprisoned in [his] own home, due to the ongoing criminal conspiracy of civil rights violations perpetrated.” (*Id.*)

1 The district court may permit indigent litigants to proceed IFP upon completion of a
2 proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status,
3 a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the
4 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523
5 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant
6 must show that he or she “cannot because of his poverty pay or give security for the costs and
7 still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont*
8 *de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

9 The inconsistency in Plaintiff’s application renders the Court unable to determine his
10 ability to pay. Plaintiff does not, for example, inform the Court how he pays for his monthly
11 expenses or how he has acquired thousands of dollars in cash. Plaintiff should not, under these
12 circumstances, be authorized to proceed IFP.

13 Accordingly, Plaintiff is ORDERED to show cause by **September 15, 2023**, why the
14 Court should not recommend his IFP application be denied. The Clerk is directed to send copies
15 of this Order to Plaintiff and to the Honorable Jamal N. Whitehead.

16 Dated this 8th day of September, 2023.

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18 MICHELLE L. PETERSON
19 United States Magistrate Judge
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